Conservation
Law Foundation

For a thriving New England

CLF Massachusetts 62 Summer Street
Boston, MA 02110
P: 617.350.0990
F: 617.350.4030
www.clf.org

February 27, 2023

**Re: Testimony in Opposition to H.B. 6664, An Act Managing Waste and Creating a Waste Authority**

Dear Co-Chairs Senator Lopes & Representative Gresko, & Members of the Environment Committee:

The Conservation Law Foundation (CLF) appreciates the opportunity to comment on H.B. 6664, An Act Managing Waste and Creating a Waste Authority. Founded in 1966, CLF is a member-supported non-profit advocacy organization working to protect public health and the environment and build healthy communities in Connecticut and throughout New England. Through its Zero Waste Project, CLF aims to improve solid waste management through source reduction, recycling, and composting, and to protect our communities from the dangers posed by unsustainable waste management practices. **CLF opposes H.B. 6664, because it does not offer bold enough action to effectively tackle Connecticut's waste crisis. We are especially opposed to Sections 1, 2, 3, and 8, and recommend edits to improve Sections 4-7.**

Indeed, Connecticut, like many states, has a waste crisis on its hands. Yet unlike many other states, Connecticut also has a long history of being a leader in waste management. In fact, as early as the 1980s, Connecticut recognized the importance of diverting organic waste from the conventional (bury or burn) waste stream as a vital way to limit its reliance on landfills and incinerators. Decades ago, Connecticut's Department of Energy & Environmental Protection (DEEP) started providing Connecticut residents with guidance on leaf and home composting; and in 1993, the state's legislature passed a ban on the disposal of grass clippings in landfills.[1]

Now, almost three decades after DEEP first created an on-site food scrap composting program at its headquarters in Hartford, H.B. 6664 (Sections 4-7) offers a strategy to keep organic materials out of the waste stream and out of landfills. In particular, this bill would expand the number of institutions (food wholesalers, supermarkets, hospitals, schools, and more) required to send their organic waste to composting facilities or otherwise authorized collection locations. It would also require municipalities to separate and collect food scraps beginning in 2028, and to send these materials to an authorized facility to be processed "in a manner that promotes a beneficial use." According to DEEP, food scraps constitute more than twenty percent of Connecticut's waste stream, so such diversion measures are important to tackling the state's waste crisis.[2]

[1] *See* Timeline History of organics Recycling in Connecticut, available at *Commercial Organics Recycling Law: Information & Guidance for Food Residual Generators*, CT DEEP Commercial Organics Recycling Law (ct.gov). The grass clippings disposal ban became effective in 1998.

[2] CT DEEP, *2015 Statewide Waste Characterization Study* (Mar. 15, 2016), available at https://portal.ct.gov/-/media/DEEP/waste_management_and_disposal/Solid_Waste_Management_Plan/CMMSFinal2015MSWCharacteri

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While we enthusiastically support food scrap diversion, CLF cautions this committee to be very clear and thoughtful about how the bill defines the term "beneficial use" as it applies to processing food scraps and other kinds of organic waste.[3] A good organics diversion program must: (1) divert as much food for donation as possible;[4] (2) source separate organic materials, including food scraps that cannot be diverted for human consumption;[5] (3) reuse edible food scraps for animal feed[6] and compost other organic waste in municipal composting systems as much as possible, (because keeping compost local means that its value is maintained in the community); and finally, and very importantly, (4) protect organic materials from being contaminated by sewage sludge and other waste products that contain dangerous and toxic chemicals, like PFAS, that are found in plastics and seep into our wastewater. Once compost is contaminated by PFAS, it no longer has any "beneficial use."[7] Connecticut is fortunate enough to have many residents with expertise in this field. In fact, many of these resident experts testified at a public hearing before DEEP regarding its Comprehensive Materials Management Strategy Update[8] earlier this month.[9] The organic waste management provisions of H.B. 6664 will be a

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zationStudypdf.pdf. When organic material is landfilled, it produces a powerful greenhouse gas (methane); keeping organic materials out of the landfills, then, is a key component to addressing climate change.

[3] The term "beneficial use" appears in Section 4, line 955; and Section 5, line 966 of H.B. No. 6664.

[4] One Connecticut organization working hard to divert food from the waste stream is Haven's Harvest, whose mission is to feed their community and reduce food waste, one food rescue at a time. *See* Mission — Haven's Harvest (havensharvest.org).

[5] Residents of Meriden, Connecticut, for example, participated in a food scrap diversion program where they source-separated their food scraps for pick-up by the city at the same time as, but not mixed in with, their trash. *See City of Meriden's Food Scrap Co-Collection Pilot Reducing Waste* (Mar. 9, 2022), available at City of Meriden's Food Scrap Co-Collection Pilot Reducing Waste (meridenct.gov).

[6] *See, e.g.*, Tullis, Paul. *Feeding Chickens Stale Bread and Unsold Cookies for Zero-Carbon Eggs*, Bloomberg Businessweek (Jan. 30, 2023) (discussing how "Dutch egg producer Kipster cuts emissions by replacing the fresh grains hens consume with leftovers humans won't eat"), available at Food Waste Becomes Feed to Cut CO2 Emissions From Egg Production - Bloomberg.

[7] When it was discovered that a Massachusetts organics composting facility, Mass Natural, had PFAS contamination in its products, it was prohibited from selling its loam, mulch, potting soil, and other compost products. The PFAS contamination is suspected to have come from paper mill waste and/or sludge from wastewater treatment facilities that the facility accepted. *See* Gavin, Christopher. *A Mass. Composting facility likely spread significant amount of 'forever chemicals,'* Boston.com (July 7, 2022), available at Mass. composting facility likely spread large amounts of 'forever chemicals' (boston.com).

[8] DEEP released its draft amendment to the Comprehensive Materials Management Strategy (CMMS) this month, which was the subject of a public hearing on February 16, 2023. The CMMS update is available at CMMS Amendment (ct.gov).

[9] Resident experts who testified at the February public hearing included Domingo Medina of Peels & Wheels Composting; *see* HOME | PWComposting 2021; who described food scraps not as waste, but as a resource that can

win if the state looks to and invests in its residents, who are already building sustainable solutions in their backyards and in their communities.

While CLF supports the intent behind the provisions of H.B. No. 6664 that would keep organic materials out of the waste stream (with the caveats explained above), we oppose the enactment of Sections 1, 2, 3, and 8 of the bill. These portions—especially the definition of "plastic recycling" provided in Section 1(13), which includes "a feedstock that is converted to a raw material that is used for the manufacture of new products"—would create a loophole for high-heat plastics incineration, including so-called "advanced recycling" technologies like gasification, pyrolysis, under the definition of "recycling." Everyone knows where recycling is on the waste hierarchy – close to its base; it is primary in tackling the waste crisis.[10] Conflating true recycling with false solutions like so-called "advanced recycling" is a huge mistake that Connecticut must not make.

Petrochemical companies are touting "advanced recycling" as a way to address the plastic waste crisis, but this is nothing more than greenwashing.[11] These false solutions not only fail to address the underlying problems that are the result of our reliance on plastic, but they are also wholly unsafe to humans and the environment.[12] Any bill that does not specifically exclude so-called "advanced recycling" is not a bill that Connecticut should enact.

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mitigate pollution, build healthy soils, and create green jobs; and Tim O'Connor of Park City Composting; *see* About Us — Park City Compost Initiative; who recommended that food scraps be processed as much as possible through decentralized aerobic composters in order to create local employment and decrease traffic.

[10] *See, e.g.*, *Sustainable Materials Management: Non-Hazardous Materials and Waste Management Hierarchy*, EPA (July 5, 2022), available at Sustainable Materials Management: Non-Hazardous Materials and Waste Management Hierarchy | US EPA (noting that "[t]he hierarchy ranks the various management strategies from most to least environmentally preferred. The hierarchy places emphasis on ***reducing, reusing, recycling*** and composting as key to sustainable materials management. These strategies reduce greenhouse gas emissions that contribute to climate change.") (emphasis added); *see also Solid Waste Management in Connecticut*, CT DEEP (noting that "[t]hrough Connecticut General Statutes Section 22a-228(b), Connecticut has formally adopted an integrated waste management hierarchy as a guiding framework for solid waste management efforts. Connecticut's system adheres to this hierarchy by emphasizing ***source reduction, recycling***, composting, and energy recovery from solid waste, while relying on landfill disposal and incineration as a last resorts") (emphasis added), available at Solid Waste Home (ct.gov).

[11] *See* Lerner, Sharon. *This 'climate-friendly' fuel comes with an astronomical cancer risk*, The Guardian (Feb. 23, 2021) available at This 'climate-friendly' fuel comes with an astronomical cancer risk | Pollution | The Guardian (quoting Chevron's statement that "[w]e are taking steps to address plastic waste and support a circular economy in which post-use plastic is recycled, reused or repurposed" in response to concerns regarding the grave health risks associated with converting plastics to fuel).

[12] High-heat plastics incineration technologies result in significant toxic and climate damaging emissions and environmental injustices. Gasification, pyrolysis, so-called "chemical recycling" and "advanced recycling," and other high-heat plastics technologies generally use a two-step process: first, plastic is heated in a limited-oxygen environment to generate synthetic fuels and byproducts; second, those fuels— and often the byproducts—are then burned, generating the same toxic and climate-damaging pollutants as single-stage incineration. *See* Neil Tangri & Monica Wilson, Global Alliance for Incinerator Alternatives, *Waste Gasification & Pyrolysis: High Risk, Low Yield*

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Additionally, Section 1 of the bill would put the very industries that created the waste crisis in charge of managing it, something they have proven incapable of doing.[13] Nothing in H.B. 6664 requires responsible parties to abide by their stewardship plans or meet their performance goals. Nor does the bill authorize any type of enforcement action against a responsible party or stewardship organization for failure achieve their performance goals. Without any type of penalty for failure to achieve those goals, H.B. 6664 does little to guarantee that consumer brands and packaging manufacturers will live up to the promises they make in their stewardship plans. If Connecticut wants to move towards self-sufficiency,[14] it must not do so by elevating the interests of industry over its residents and the environment.

Finally, Sections 3 and 8 open the door to DEEP permitting new incinerators or toxic waste management strategies, like waste conversion and energy and fuel recovery, which may include pyrolysis and gasification; and by setting a lower fee for incineration, incentivize the construction of new incinerators. Bad ideas, like single use plastic, are what have led to the waste crisis in the first place. Bad ideas and false solutions do not warrant the serious attention of this legislature; instead, they belong in the trashcan.

DEEP was recognized in 2013 with an Environmental Merit Award for efforts on waste transformation, which included organics recycling.[3] A decade later, Connecticut can be a leader again in building healthy, sustainable systems to divert organics from the waste stream, and to deal with plastics sensibly without resorting to dangerous and false solutions.

Thank you for your dedication to protecting our environment for the benefit and enjoyment of Connecticut and all living things.

Sincerely,

Mara Shulman
Senior Attorney
Zero Waste Project, CLF
mshulman@clf.org

Sam Cardwell
Program Assistant
Connecticut CLF
scaldwell@clf.org

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*Processes for Waste Management* at 9 (2017), available at Waste-Gasification-and-Pyrolysis-high-risk-low-yield-processes-march-2017.pdf (no-burn.org).

[13] *See Big brands fail their own voluntary commitment to eliminate plastic pollution*, Greenpeace (Nov. 1, 2022) (citing the Ellen MacArthur Foundation Global Commitment 2022 Progress Report, "which found that companies will miss key 2025 targets for a circular economy for plastic"; "that the target of achieving 100% reusable, recyclable, or compostable packaging by 2025 will 'almost certainly' not be met"; and, further, that companies had generated "an overall increase of virgin plastic use back to 2018 levels.").

[14] *See* Governor Ned Lamont's Fact Sheet on H.B. No. 6664 (advancing the goal of "regain[ing Connecticut's] self-sufficiency in waste disposal"), available at AA-Managing-Waste-and-Creating-a-Waste-Authority.pdf (ct.gov).